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January 9, 2023

By ECF

The Honorable Paul A. Crotty
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: United States v. Keith Darling, 10-CR-640 (PAC)

Dear Judge Crotty:

I respectfully write to request that the Court issue an order directing the return of the \$100 special assessment Keith Darling paid on his now-vacated conviction of 18 U.S.C. § 924(c) in the above-captioned case.

On June 6, 2012, Mr. Darling was convicted of four crimes: attempted Hobbs Act robbery, conspiracy to commit Hobbs Act robbery, felon in possession of a firearm, and 18 U.S.C. § 924(c). At sentencing, the Court imposed a \$100 special assessment on each count. Mr. Darling's § 924(c) conviction was vacated on December 19, 2022, and he was resentenced on the remaining counts.

Since Mr. Darling's § 924(c) conviction under Count 3 of the indictment has been vacated, he is entitled to the return of the portion of the \$100 special assessment he has already paid on that count. See Ray v. United States, 481 U.S. 736, 737 (1987) ("petitioner's liability to pay [the special assessment] depends on the validity of each of his three convictions"); United States v. Rosario, 111 F.3d 293, 300 (2d Cir. 1997) (vacating § 924(c) conviction and remanding for "return of the \$50 special assessment fee imposed on this count"). Accordingly, I respectfully request that the Court enter an order directing the return of the portion of the \$100 special assessment Mr. Darling has already paid on Count 3 of the above-captioned indictment.

Paul A. Crotty

SO ORDERED

Sincerely,

Michael Arthus

Michael Arthus
Assistant Federal Defender
212-417-8760

cc: AUSA Thomas John Wright (by ECF)